

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Iain McCulloch et al.

Examiner: Vickey M. Ronesi

Serial No.: 10/574,782

Group Art Unit: 1796

Filed: April 6, 2006

Title: BARRIER COATING COMPOSITION CONTAINING AN INORGANIC FLAKE
MATERIAL AS WELL AS A DEVICE CONTAINING THIS BARRIER
COATING COMPOSITION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated February 13, 2009, Applicants hereby elect Group I, claims 1-6 and 10, drawn to the composition. The restriction requirement is respectfully traversed.

It is respectfully submitted that the restriction is not in accordance with 37 C.F.R. 1.475 and 1.499, which codify PCT rules 13.1 and 13.2. Specifically, the restriction separates the product, from a use of the product, i.e., the coated display. 37 C.F.R. 1.475 states that claims to a product and a process of using the product “have” unity of invention, and does not impose the requirement that the “special technical feature” be one which is *patentable* over the prior art. It is thus submitted that the restriction requirement is improper, and should be withdrawn. The same is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

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